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CHAIRMAN

## Federal Communications Commission

Washington, D.C.

January 6, 2005

The Honorable Chip Pickering  
U.S. House of Representatives  
229 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Pickering:

Thank you for your December 10, 2004 letter regarding the Air-Ground rulemaking proceeding (WT Docket Nos. 03-103). In your letter, you express concern that wideband air-to-ground operations may cause harmful interference to adjacent public safety licensees in the 800 MHz band.

On December 15, 2004, the Commission adopted an *Order* that reflects a flexible approach for licensing the 4 MHz of spectrum in the 800 MHz band currently dedicated to commercial air-ground service. The Commission believes that this action will help bring broadband services to the traveling public onboard aircraft, and lead to greater technical, economic, and marketplace efficiency for this spectrum. To ensure protection to adjacent public safety operations in the 800 MHz band, the Commission applied to 800 MHz air-ground licensees the same interference rules and other specific protections adopted earlier this year in the 800 MHz public safety proceeding. Specifically, the Commission stated that ground stations in the air-ground 800 MHz service will be subject to the same interference abatement obligation rules adopted for cellular services in the 800 MHz public safety order.

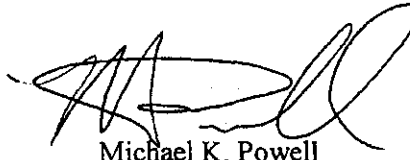
In the *Order*, the Commission determined that it would not authorize ancillary services in the band. Additionally, rather than choosing a particular business plan for this spectrum, the Commission decided to auction new licenses in three possible band plan configurations, where the ultimate band configuration will be determined based on the results of an auction. To promote competition, and to ensure maximum use of the frequency band for air-ground services, the Commission imposed an eligibility limitation to prevent a single entity from holding new licenses for all 4 MHz of air-ground spectrum. The Commission believes that this action will help bring broadband services to the traveling public onboard aircraft and lead to greater technical, economic, and marketplace efficiency for this spectrum. The Commission also decided not to authorize ancillary services in the band.

In a companion *Order*, the Commission has initiated a rulemaking proceeding that seeks public comment as to whether certain wireless devices could be used onboard airborne aircraft without causing interference to ground-based cellular systems. In particular, the Commission has proposed to relax its ban on the airborne use of cellular telephones, as long as an onboard "pico cell" controls the power level of wireless handsets. The *Order* notes that the Federal Aviation Administration ("FAA") also restricts the use of wireless devices on aircraft and is

currently evaluating the potential impact of such devices on aircraft communications and navigation systems. As a result, the Commission's proposals would not be implemented unless the FAA relaxes its restrictions on the airborne use of wireless devices.

Attached are the two press releases by the Commission that describe the above-mentioned *Orders*. I appreciate your interest in this matter. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael K. Powell', with a stylized, cursive script.

Michael K. Powell

Enclosures

CONGRESSIONAL WIRELESS  
CAUCUS CO-CHAIR

INSTANT WHIP

THIRD DISTRICT, MISSISSIPPI

Congress of the United States  
House of Representatives  
Washington, DC 20515-2403

December 10, 2004

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14 DEC 2004

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 03-103, Air-to-Ground

Dear Chairman Powell:

I am concerned that wideband air-to-ground (ATG) operations may cause harmful interference to public safety licensees in the 800 MHz band. The Federal Communications Commission has spent nearly three years trying to ensure that public safety licensees do not continue to experience interference in the 800 MHz band. With this major effort nearly complete, I am concerned to learn that the Commission may introduce more commercial services immediately adjacent to the nation's public safety licensees.

Wideband ATG represents a new source of potential interference that the Commission did not contemplate when it adopted a solution to the 800 MHz interference problem. The Commission should take every step possible to ensure that wideband ATG does not create new interference problems in the 800 MHz band.

In addition, I urge you to proceed with extreme caution in permitting any 'ancillary terrestrial use' of the ATG spectrum. Terrestrial use threatens to increase radiofrequency emissions on the ground, which is likely to cause interference to public safety licensees. Therefore, the Commission should not authorize 'ancillary terrestrial use' of the ATG bands unless it can develop the protections necessary to ensure that 'ancillary terrestrial use' would not cause harmful interference to adjacent-band licensees now or in the future.

I appreciate your attention to this matter. Please feel free to contact me if you have any questions at 202-225-5031.

Sincerely,



Chip Pickering

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